

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

In re:	§	
	§	Case No. 18-34658
HOUTEX BUILDERS, LLC, <i>et al.</i> , <sup>1</sup>	§	Chapter 11
	§	
Debtors.	§	

**GREAT SOUTHWESTERN FINANCIAL CORP.'S  
MOTION TO COMPEL CD HOMES LLC AND ROBERT PARKER'S  
RESPONSES TO REQUESTS FOR RECORDS AND DOCUMENTS**

(Relates to Docket 221 and Docket 246)

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

NOTE THAT AT THE APRIL 4, 2019 HEARING THE COURT GAVE PERMISSION FOR THIS MOTION TO BE FILED AND TO BE HEARD ON APRIL 12, 2019 ALONG WITH DEBTORS' MOTION, AND THAT DEBTORS HAVE MOVED TO HAVE THE HEARING POSTPONED.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE JEFFREY P. NORMAN, UNITED STATES  
BANKRUPTCY JUDGE:

---

<sup>1</sup> The names of the debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Houtex Builders, LLC (2111), 2203 Looscan, LLC (1418) and 415 Shadywood, LLC (7627).

Great Southwestern Financial Corp. (“GSFC”) files this motion (the “Motion”) to compel CD Homes, LLC (“CD”) and Robert Parker (“Parker”), pursuant to the Court’s directive, to produce the documents as listed in GSFC’s *Amended Cross-Notice of Rule 2004 Examination of Bob Parker* (Docket 221).

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A).
2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The statutory predicates for the relief sought herein are 11 U.S.C. § 105(a), Rule 9013 of the Federal Rules of Bankruptcy Procedure, and Local Rule 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas.

### **BACKGROUND**

4. The Debtors noticed the 2004 examination of Robert Parker and CD Homes. GSFC is a creditor of debtor Houtex. On March 11, 2019, GSFC cross-noticed the examination, including a list of documents that Parker and CD Homes were to produce. (Doc. 221). Neither Robert Parker nor CD Homes objected to any of GSFC’s requests nor produced any documents. All objections, if any, have been waived. Fed. R. Bankr. P. 9013, 7030, 7034(b)(2).

5. The examination commenced on the afternoon of March 20, 2019, but Debtors’ counsel only got part-way through his questions and counsel for GSFC has not yet had a chance to start. Mr. Parker refused to answer numerous questions, mainly

having to do with the entities he is now using to build houses having taken all of the Debtors' money. This refusal to answer questions led to a motion to compel and an order by this Court that Mr. Parker answer all of these areas of questions. (Doc. 246).

**MOTION**

6. The documents GSFC requested to be produced (in Doc. 221) are as follows:

1. Any agreement between Jim Nored and Robert Parker;
2. Any agreement between Jim Nored and Houtex Builders, LLC;
3. Any agreement between Jim Nored and 1040 Hyde Park, LLC;
4. Any agreement between Jim Nored and CD Homes, LLC;
5. Any agreement between Jim Nored and HL Builders, LLC;
6. Any agreement between Jim Nored and 1536 Indiana, LLC;
7. Any notes between Jim Nored as lender to any of the following entities:
  - a. Houtex Builders, LLC,
  - b. 415 Shadywood, LLC,
  - c. 1040 Hyde Park, LLC,
  - d. 1536 Indiana, LLC,
  - e. CD Homes, LLC,
  - f. HL Builders, LLC;
8. An accounting and evidence of payments made by Houtex Builders, LLC related to the \$1.6MM loan disbursements received from Spirit of Texas Bank;
9. Any evidence of payments between Jim Nored and Robert Parker;
10. Any evidence of payments between Jim Nored and Houtex Builders, LLC;
11. Any evidence of payments between Jim Nored and 1040 Hyde Park, LLC;
12. Any evidence of payments between Jim Nored and CD Homes, LLC;

13. Any evidence of payments between Jim Nored and HL Builders, LLC; and

14. Any evidence of payments between Jim Nored and 1536 Indiana, LLC.

7. Efforts have been made to obtain these documents from CD Homes and Mr. Parker but without success. Counsel for CD Homes and Mr. Parker advised this week that Mr. Parker advised him that he believes everything has been produced except for documents in Mr. Parker's possession relating to one of the foregoing entities (not named) which Mr. Parker does not want to produce because the entity is owned by Jim Nored. Again, no documents have been produced to GSFC. GSFC has confirmed with counsel for the Debtors that they have not received the documents responsive to GSFC's foregoing requests, either, other than promissory notes signed by Jim Nored.

8. With regard to Mr. Parker's desire not to produce the documents he has relating to one of the entities requested, GSFC believes the Court's order makes clear that questioning about all of these entities is permitted in this examination, and there is no basis for the witness to refuse to produce the documents. GSFC believes Mr. Parker may be referring to the 1536 Indiana, LLC entity. In Secretary of State filings, Mr. Nored is listed as a Manager and as Registered Agent. However, Mr. Parker formed the entity and the address of the entity is listed as 2402 Elmen, which is Mr. Parker's address. Moreover, GSFC and the Debtors also subpoenaed documents from Mr. Nored and Mr. Nored produced nothing whatsoever. Mr. Nored testified that he has no documents and that Mr. Parker has possession of all documents relating to Mr. Nored's

retirement account money which Mr. Parker has been using for 10 years in connection with Houtex and now other entities.

9. GSFC respectfully requests that the Court grant this motion and order CD Homes, LLC and Robert Foster Parker to turn over all responsive documents to counsel for GSFC without further delay.

Dated: April 11, 2019

Respectfully submitted,

**SNOW SPENCE GREEN LLP**

By: /s/ Ross Spence

Ross Spence  
State Bar No. 18918400  
Email: ross@snowspencelaw.com  
Carolyn Carollo  
State Bar No. 24083437  
Email: carolyncarollo@snowspencelaw.com  
2929 Allen Parkway, Suite 2800  
Houston, TX 77019  
Telephone: (713) 335-4800  
Telecopier: (713) 335-4848

**ATTORNEYS FOR GREAT  
SOUTHWESTERN FINANCIAL CORP.**

**CERTIFICATE OF CONFERENCE**

I hereby certify that I have discussed GSFC's outstanding document requests with Dick Fuqua, counsel for Robert Parker and CD Homes, LLC, on several occasions and on April 8, 2019, I again discussed the relief requested in this Motion with him and could not reach resolution.

/s/ Ross Spence  
Ross Spence

**CERTIFICATE OF SERVICE**

This is to certify that on this the 11<sup>th</sup> day of April 2019, a true and correct copy of the foregoing Amended Cross-Notice was electronically served upon all parties listed below and via the Court's electronic case filing system (ECF):

Bob Parker  
c/o Dick Fuqua  
FUQUA & ASSOCIATES  
5005 Riverway Drive  
Houston, Texas 77056  
Via email: [fuqua@fuqualegal.com](mailto:fuqua@fuqualegal.com)

/s/ Ross Spence  
Ross Spence